



Rep. Sara Feigenholtz

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LRB098 19707 KTG 59266 a

1 AMENDMENT TO SENATE BILL 3522

2 AMENDMENT NO. _____. Amend Senate Bill 3522 by inserting
3 immediately below the enacting clause the following:

4 "Section 3. The Alcoholism and Other Drug Abuse and
5 Dependency Act is amended by changing Section 40-5 as follows:

6 (20 ILCS 301/40-5)

7 Sec. 40-5. Election of treatment. An addict or alcoholic
8 who is charged with or convicted of a crime or any other person
9 charged with or convicted of a misdemeanor violation of the Use
10 of Intoxicating Compounds Act and who has not been previously
11 convicted of a violation of that Act may elect treatment under
12 the supervision of a licensed program designated by the
13 Department, referred to in this Article as "designated
14 program", unless:

15 (1) the crime is a crime of violence;

16 (2) the crime is a violation of Section 401(a), 401(b),

1 401(c) where the person electing treatment has been
2 previously convicted of a non-probationable felony or the
3 violation is non-probationable, 401(d) where the violation
4 is non-probationable, 401.1, 402(a), 405 or 407 of the
5 Illinois Controlled Substances Act, or Section 4(d), 4(e),
6 4(f), 4(g), 5(d), 5(e), 5(f), 5(g), 5.1, 7 or 9 of the
7 Cannabis Control Act or Section 15, 20, 55, 60(b)(3),
8 60(b)(4), 60(b)(5), 60(b)(6), or 65 of the Methamphetamine
9 Control and Community Protection Act or is otherwise
10 ineligible for probation under Section 70 of the
11 Methamphetamine Control and Community Protection Act;

12 (3) the person has a record of 2 or more convictions of
13 a crime of violence;

14 (4) other criminal proceedings alleging commission of
15 a felony are pending against the person;

16 (5) the person is on probation or parole and the
17 appropriate parole or probation authority does not consent
18 to that election;

19 (6) the person elected and was admitted to a designated
20 program on 2 prior occasions within any consecutive 2-year
21 period;

22 (7) the person has been convicted of residential
23 burglary and has a record of one or more felony
24 convictions;

25 (8) the crime is a violation of Section 11-501 of the
26 Illinois Vehicle Code or a similar provision of a local

1 ordinance; or

2 (9) the crime is a reckless homicide or a reckless
3 homicide of an unborn child, as defined in Section 9-3 or
4 9-3.2 of the Criminal Code of 1961 or the Criminal Code of
5 2012, in which the cause of death consists of the driving
6 of a motor vehicle by a person under the influence of
7 alcohol or any other drug or drugs at the time of the
8 violation.

9 Nothing in this Section shall preclude an individual who is
10 charged with or convicted of a crime that is a violation of
11 Section 60(b)(1) or 60(b)(2) of the Methamphetamine Control and
12 Community Protection Act, and who is otherwise eligible to make
13 the election provided for under this Section, from being
14 eligible to make an election for treatment as a condition of
15 probation as provided for under this Article.

16 (Source: P.A. 96-1440, eff. 1-1-11; 97-889, eff. 1-1-13;
17 97-1150, eff. 1-25-13.)".